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C O N F I D E N T I A L PANAMA 000568

SIPDIS

E.O. 12958: DECL: 07/10/2019
TAGS: [PGOV](#) [PREL](#) [PM](#)
SUBJECT: PANAMA: GREATER COORDINATION NEEDED ON TDN NOTES
FOR SOFA PRIVILEGES

Classified By: CHARGE DAVID R. GILMOUR FOR REASONS 1.4 (b) and (d)

[11](#). (U) This is an action request. See paragraph 4.

Late Dipnotes Causing Problems

[12](#). (C) The process of obtaining privileges for U.S. military forces operating on training or high value transit (HVT) missions in Panama is not functioning adequately, due to long delays by DOD and DOS in clearing the dipnotes needed to request such privileges from the GOP. Because there is no Status of Forces Agreement (SOFA) with Panama, SOFA-like privileges require the exchange of a dipnote for each mission, called Temporary Duty Notices (TDNs). The text of the dipnote has been negotiated between the USG and the GOP, and never changes, except for five specific data points for each exercise. Despite the limited number of changes in each note, the clearance process has become a serious challenge to timely submission of these notes, which require a minimum of ten business days lead time to give the MFA sufficient time to process the requests. Post has experienced repeated problems with late arrival of cables authorizing Post to send the dipnotes to the MFA. The latest example was a six month blanket request for SOFA-like privileges for the Mobile Security Detachments that protect nuclear submarines transiting the Panama Canal. Post was able to get the note signed by the Vice Minister of Foreign Affairs at 1703 local time on July 4, minutes before the cut off time for canceling the transit, and two days before the transit itself. Vice Minister Meliton Arrocha signed the note despite not fully understanding the process on his third day on the job, due to the urgency of the case.

[13](#). (C) A timeline of the dipnote process supplied by Post's Office of Defense Cooperation (ODC) indicates that the draft note was sent from SOUTHCOM to Joint Staff/OSD on December 16, 2008, and returned to SOUTHCOM for clarification on May [19](#). The note was not returned to JS/OSD until June 16, after which it was sent to DOS on June 18, and sent to Post on June [22](#). The refusal of the outgoing government to sign anything in the week before the Presidential Inauguration on July 1 held matters up until July, after which EmbOffs had to heavily engage their new GOP counterparts immediately to clear the note. Post had had to similarly engage with the outgoing GOP a few weeks before to get a TDN approved for a MARFORSOUTH marksmanship training exercise. The same thing has happened on numerous occasions over the last year, requiring Post to continually ask favors of high ranking MFA officers to clear TDN requests that Post has submitted late. In all cases, the extremely slow clearance process has been responsible for the delay, with both DOD and DOS offices responsible. In several cases, Post has had to consider

postponing training exercises or transits due to the delay in receiving the TDN notes, and the short fuse requests to the MFA. Post would like to point out that up to now, every event has been able to go forward due to the outstanding cooperation of the MFA in approving dipnotes that they had received late.

Please Take Ownership

¶4. (C) Post requests that the component commands that require TDNs for their engagement with Panama take responsibility for tracking their TDN requests through the clearance process. Post also requests that offices responsible for clearing these notes in DOD and DOS aim to have them ready for transmission to Post 30 days prior to "boots on the ground" date when time allows, and at least ten days out when it does not. Ten days is the GOP imposed minimum, but does not provide an adequate margin for the GOP's poor internal coordination, and unforeseen contingencies. Post reminds clearing offices that the language of the TDN dipnote cannot be changed, per our agreement with the GOP, except for the five data points in the first paragraph that related to the specific training event.

Points of Contact

¶5. (U) For any questions on this issue please contact

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